

RESOLUTION NO. 75700

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE AUTHORIZING THE CITY MANAGER OR DESIGNEE TO SUBMIT AN APPLICATION TO THE STATE OF CALIFORNIA UNDER THE BICYCLE TRANSPORTATION ACCOUNT PROGRAM, FOR A GRANT IN THE AMOUNT NOT TO EXCEED \$1,055,000, FOR THE COYOTE CREEK TRAIL (HIGHWAY 237 BIKEWAY TO TASMAN DRIVE) PROJECT, TO ACCEPT THE GRANT IF AWARDED, AND TO NEGOTIATE, EXECUTE AND SUBMIT ALL RELATED DOCUMENTS

WHEREAS, the California Streets and Highways Code, Bicycle Transportation Account ("BTA") provides funds for grants to local agencies for projects that improve safety and convenience for bicyclist of all ages and skills; and

WHEREAS, the State of California, Bicycle Facilities Unit, has the responsibility for the administration of the program within the State, setting up necessary procedures governing project applications under the program; and

WHEREAS, since 2004, the City of San José ("City") has made improvements to a segment of the Coyote Creek Trail System consisting of the Coyote Creek Trail (Highway 237 Bikeway to Tasman Drive) Project, included in the San José Bike Plan 2020, which originally did not include a paved trail due to limited funding; and

WHEREAS, in November 2009, the City Council adopted the Bicycle Transportation Plan that complies with the BTA guidelines and allows the City to be eligible for BTA funds;

WHEREAS, the City, if selected, will enter into an agreement with the State of California to complete the Project; and

WHEREAS, said procedures and criteria established by the State of California require a resolution certifying the approval of the application by the applicant's governing body before submission of said application to the State; and

WHEREAS, if the grant is awarded, the City will be required to provide a match in an amount not to exceed Three Hundred Fifty Thousand Dollars (\$350,000);

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. The City Manager, or designee, is authorized to submit a grant application in the amount not to exceed \$1,055,000, to the State of California Department of Transportation (Caltrans) under the a Bicycle Transportation Account grant program for the Coyote Creek Trail (Highway 237 Bikeway to Tasman Drive) Project.
2. The City certifies that if the State of California awards a grant for the Project and the parties enter into a fully executed grant agreement, the City will commit to each of the following:
 - a. Provide an amount not to exceed Three Hundred Fifty Thousand Dollars (\$350,000) in local matching funds, and any additional sufficient funds to complete the Project.
 - b. Have available sufficient funds to operate and maintain the Project.
 - c. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines for the Project.

3. The City Manager, or designee, is further authorized to accept the grant on behalf of the City and to negotiate and execute any documents necessary to effectuate the grant, including but not limited to applications, amendments and payment requests, which may be necessary for the completion of the Project.
4. The City Manager, or designee, is further authorized to resubmit the grant application in subsequent years for the same amount and grant requirements, if the City is unsuccessful with the initial grant application, and to negotiate and execute any documents necessary to effectuate the grant.

ADOPTED this 25th day of January, 2011, by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA,
LICCARDO, NGUYEN, OLIVERIO, ROCHA, PYLE; REED.

NOES: NONE.

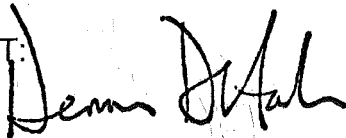
ABSENT: NONE.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



DENNIS D. HAWKINS, CMC
City Clerk